REMARKS

I. Present Status of Patent Application

Claims 1, 3, 12, 14, and 17 are amended and claims 2, 13, and 18 are canceled. Claims 2, 13 and 18 are canceled without prejudice, waiver, or disclaimer. Applicants reserve the right to pursue the subject matter of these canceled claims in a continuing application, if Applicants so choose, and do not intend to dedicate any of the canceled subject matter to the public. Claims 1, 3-12, and 14-17 remain pending in the present application. In response to the Office Action dated June 16, 2004, Applicants respectfully request reconsideration based on the following remarks.

II. Response To Rejections Under 35 U.S.C. §102(b)

Claims 1, 4, 7-12, 15, and 16 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by *Lee* (U.S. Patent No. 4,809,975). Claims 1-3, 6, 12-14, 17, and 18 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by *Jebe* (U.S. Patent No. 6,231,453). A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983).

A. Claim 1

Claim 1, as amended, recites:

> 1. A golf swing training club comprising:
> a shaft;
> a weight coupled to the shaft, wherein the weight slides along the shaft during a golf swing; and
> ***a release mechanism being connected to the shaft and including an adjustment member and a tension means that is coupled to the weight, the release mechanism being capable of releasing the weight when a centrifugal force is applied to the club, wherein the adjustment member adjusts the tension of the tension means on the weight to adjust the amount of centrifugal force needed to release the weight during the swing.***

(Emphasis Added)

Applicants respectfully submit that both *Lee* and *Jebe* fail to disclose or teach the above-emphasized feature.

1. *Lee* and *Jebe* fail to disclose a release mechanism, as recited in claim 1

Lee apparently discloses as follows:

> The exerciser includes a shaft. A weight is slidably mounted on the shaft. A golf club handle is formed at one end of the shaft and a stop is formed at the end of the shaft remote from the handle. A coil spring is mounted between the slidably mounted weight and the stop on the end of the shaft when the exerciser is swung. (Abstract)

Nowhere does *Lee* disclose a release mechanism, as recited in claim 1. The release mechanism is connected to the shaft and includes an adjustment member and a tension means, which is coupled to the weight. The release mechanism is capable of releasing the weight when a centrifugal force is applied to the club. The adjustment member adjusts the tension of the tension means on the weight to adjust the amount of centrifugal force needed to release the weight during a swing. Consequently, Applicants respectfully submit that *Lee* fails to disclose or suggest each and every feature of claim 1. Accordingly, because a *prima facie* case of anticipation cannot be established, Applicants respectfully request that claim 1 be allowed and the rejection to claim 1 over *Lee* be withdrawn.

2. *Jebe* fail to disclose a release mechanism, as recited in claim 1

Jede apparently discloses an accelerometer device for measuring a swing imparted to a golf club and more particularly the device having an improved resetting mechanism after measuring the swing (Column 1, lines 7-13). The improved release mechanism is disclosed as follows:

> An improved release mechanism for the above known golf swing indicator comprises a cylindrical bushing [32] mounted on the first end of the elongated shaft [28], the bushing [32] having a radial cam pin [44] integral therewith, a release button [18] having a cylindrical bore arranged to slidably and rotatably receive the bushing [32], and having a cam slot [46] receiving the cam pin [44], a release button housing [50] mounted in the main housing [14] arranged to slidably receive the release button [18] and having means preventing rotation of the release button, the cam slot [46] being arranged to rotate the cam pin [44] and shaft [28] from the first shaft position to the second shaft position when the release button [18] is pushed by an operator, and a release return spring (second spring) [48] adapted to return the release button [18] when it is no longer being pushed, so as to cause the cam slot [46] to rotate the cam pin [44] and shaft [28] from the second position back to the first position. (Column 2, lines-11-26)

Consequently, *Jebe* fails to disclose or teach the feature of "a release mechanism being connected to the shaft and including an adjustment member and a tension means that is coupled to the weight, the release mechanism being capable of releasing the weight when a centrifugal force is applied to the club, wherein the adjustment member adjusts the tension of the tension means on the weight to adjust the amount of centrifugal force needed to release the weight during the swing", as recited in claim 1. Accordingly, because a *prima facie* case of anticipation cannot be established, Applicants respectfully request that claim 1 be allowed and the rejection to claim 1 over *Jebe* be withdrawn.

B. Claims 12 and 17

Claim 12, as amended, recites: "adjusting the tension of a tension means coupled to [a] weight to adjust the amount of centrifugal force needed to release the weight during the swing; and releasing the weight from [a] release mechanism during the swing when the centrifugal force is applied to [a] club." Claim 17, as amended, recites: "adjusting the tension of [a] tension means coupled to [a] weight to adjust the amount of centrifugal force needed to release the weight; and releasing the weight from the release mechanism during [a] swing." As mentioned above with reference to claim 1, Applicants respectfully submit that both *Lee* and *Jebe* fail to disclose or teach the above-quoted features of claims 12 and 17. Because a *prima facie* case of anticipation cannot be established, Applicants respectfully request that claims 12 and 17 be allowed and the rejection be withdrawn.

C. Claims 3, 4, 6-11, and 14-16

Because independent claims 1 and 12 are allowable over the prior art of record, dependent claims 3, 4, 6-11, and 14-16 are allowable as a matter of law for at least the reason that the dependent claims 3, 4, 6-11, and 14-16 contain all the elements and features of their respective independent claims. *See, In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

III. Response To Rejections of Claims 8 and 18 Under 35 U.S.C. §103(a)

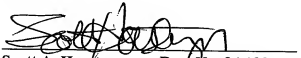
Claim 5 stands rejected under 35 U.S.C. Section 103(a) as purportedly being unpatentable over *Lee* in view of *Fazio* (U.S. Patent No. 4,982,963). It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a single reference, the reference must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. *See, e.g., In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

Because independent claim 1 is allowable over the prior art of record, dependent claim 5 is allowable as a matter of law for at least the reason that the dependent claims contain all the elements and features of independent claim 1. *In re Fine*, supra.

CONCLUSION

Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims 1, 3-12, and 14-17 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



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